



Miedel & Mysliwiec LLP

January 4, 2022

Hon. Katherine Polk Failla  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**MEMO ENDORSED**

**Re: United States v. Brent Borland, 18 Cr. 487 (KPF)**

Dear Judge Failla,

Yesterday I filed a request for an extension of Mr. Borland's surrender date because we were of the belief that he had not been designated to a BOP facility. That belief was based on the fact that the Probation Department advised neither Mr. Borland nor his attorneys of any designation. Today, we learned that Mr. Borland had, in fact, been designated to the Satellite Camp at FCI Coleman in Florida on December 9, 2021, although that designation seems never to have been conveyed to the Department of Probation. The Court accordingly denied our request for a two-week extension of Mr. Borland's surrender date.

I now write to respectfully request a one-week extension of Mr. Borland's surrender date. The government consents to a surrender date of Monday, January 10<sup>th</sup>, and takes no position on our request for a surrender date of January 14<sup>th</sup>.

In mid-December, Mr. Borland started reaching out to me to ask about his designation. I urged him to be patient. By December 29<sup>th</sup>, however, still without notice of a designation, I contacted the Probation Department. I learned that the Probation Officer who had prepared Mr. Borland's PSR (and who would normally be the person in charge of notifying defendant and counsel) had retired. I then made inquiries with another probation officer and was told I would get an answer after the New Year. As of yesterday, four days before the surrender, we had still not heard about designation, and I filed the request.

As the surrender date approached without designation, Mr. Borland began believing that his surrender date would probably be delayed. He had also hoped that he would be designated to the camp at FCI Miami, closest to his home. Learning today for the first time of the designation to Coleman, over 200 miles from his home and less than three days from now, therefore came as something of a shock.

Mr. Borland is preparing to leave his wife and two young daughters to commence a seven-year term of imprisonment. It is a profound disruption to the family, both practically and emotionally. Believing that he had more time, even a few days, and then learning that he did

not, has been psychically difficult for everyone. There are also practical considerations. The children are in school at home. The family only has one car. Mr. Borland's wife will need to drive him to Coleman, five hours each way, and either take the girls out of school or find someone to watch them. The Borlands also take care of Mr. Borland's father in law, and will have to find accommodations for him while they are gone.

The last minute notice and these other circumstances come together to make surrender on Friday quite difficult, both mentally and practically. Mr. Borland therefore asks the Court's indulgence to give him one extra week to get his affairs in order and to allow for a smooth transition to prison.

I have discussed this request at length with the government. It consents to an extension of the surrender deadline to January 10<sup>th</sup>, and takes no position on the request for a new surrender date of January 14, 2022.

Thank you for your consideration.

Respectfully,

/s/

Florian Miedel  
*Attorney for Brent Borland*

Cc: AUSA Negar Tekei  
AUSA Edward Imperatore

Application GRANTED.

For the reasons stated above, the Court extends Mr. Borland's surrender date to **January 14, 2022**. No further extensions of the surrender date will be granted.

The Clerk of Court is directed to terminate the motion at docket entry 120.

SO ORDERED.

Dated: January 4, 2022  
New York, New York



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE